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15 Attorneys for Defendant
16 TUESDAY MORNING, INC.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 CYNTHIA MCMAHON, on behalf of
21 herself, all others similarly situated,

22 Plaintiff,

23 v.

24 TUESDAY MORNING, INC., a Texas
25 corporation; and DOES 1-50, inclusive,

26 Defendants.

27 CASE NO. 3:14-cv-05547 (EMC)

28 (Removed from Contra Costa Superior Court
Case No. C-14-02113)

**STIPULATION AND [PROPOSED]
ORDER TO MODIFY BRIEFING
SCHEDULE PURSUANT TO LOCAL
RULE 6-2**

Judge: Hon. Edward M. Chen

1 Defendant Tuesday Morning, Inc. (“Defendant”) and Plaintiff Cynthia McMahon
2 (“Plaintiff”) (collectively, the “Parties”), by and through their respective counsel of record,
3 hereby stipulate as follows:

4 WHEREAS, on December 1, 2016 Plaintiff filed her Notice of Motion and Motion for
5 Preliminary Approval of Class Action Settlement (ECF No. 63) (“Motion”), which Motion
6 Plaintiff noticed to be heard before this Court on February 2, 2017 in accordance with this
7 Court’s rules and Scheduling Notes;

8 WHEREAS, on December 7, 2016, this Court issued an Order re Supplemental Briefing
9 (ECF No. 66) (“Order”), requesting that the Parties address a number of issues in respect of
10 Plaintiff’s Motion, and that the Parties submit one joint supplemental brief addressing the issues
11 raised by the Court;

12 WHEREAS, the Order directed the Parties to submit their joint supplemental brief by
13 December 14, 2016, which is one week from the date of the Order;

14 WHEREAS, due to 1) previously scheduled work conflicts during the next week—
15 including Plaintiff’s counsel’s out of town court hearings on December 9, 2016 and December
16 12, 2016 and Defendant’s counsel’s multiple witness deposition preparations in another matter,
17 2) the previously scheduled vacation of the associate from Defendant’s firm who has been
18 working on this matter since the outset, 3) the need for the Parties to meet and confer over many
19 of the issues in the Order, and 4) the need for counsel for the Parties to confer with their
20 respective clients on the subjects raised in the Order, the Parties jointly request to extend their
21 deadline to file the supplemental brief by one week, to and including December 21, 2016;

22 WHEREAS, the Parties are not seeking to modify the February 2, 2017 date for which
23 Plaintiff noticed her Motion to be heard;

24 WHEREAS, in sum, the Parties have agreed to the following revised briefing schedule:

25 • Due date for the Parties’ joint supplemental brief shall be December 21, 2016

26 WHEREAS, the Parties have not previously requested an extension of this deadline;

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1 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the Parties,
2 through their respective counsel and subject to the Court's approval, that the Parties' deadline to
3 file their joint supplemental brief pursuant to the Order shall be December 21, 2016.
4

5 **IT IS SO STIPULATED.**

6 Respectfully submitted,

7 DATED: December 8, 2016 WEIL, GOTSHAL & MANGES LLP
8

9 By: /s/ Gary D. Friedman
10 Gary D. Friedman (Admitted Pro Hac Vice)
11 Attorneys for Defendant
TUESDAY MORNING, INC.

12 DATED: December 8, 2016 SETAREH LAW GROUP
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14 By: /s/ Shaun Setareh
15 Shaun Setareh
16 Attorneys for Plaintiff
CYNTHIA MCMAHON

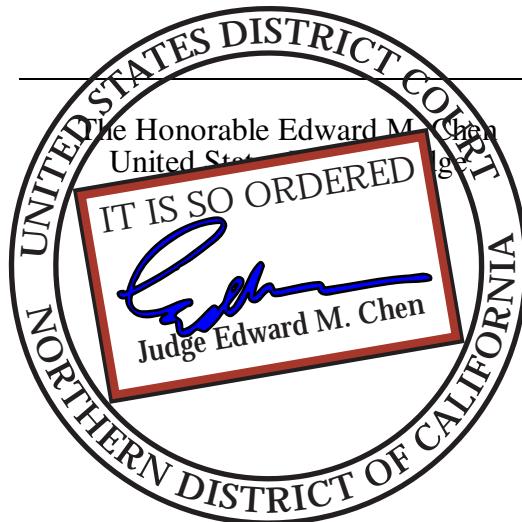
17 Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of
18 this document has been obtained from each of the above signatories.
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28 STIPULATION AND [PROPOSED] ORDER
TO MODIFY BRIEFING SCHEDULE

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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4 DATED: 12/9/2016

5 By: _____
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STIPULATION AND [PROPOSED] ORDER
TO MODIFY BRIEFING SCHEDULE